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The following constitutes
the order of the court. Signed February 29, 2016

A handwritten signature in black ink that reads "Stephen Johnson".
Stephen L. Johnson
U.S. Bankruptcy Judge

10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 IN RE:) CASE NO. 08-57523 SLJ
13)
14 LUCIO CHAGOLLA) CHAPTER 13
15 MARIA CHAGOLLA) Date: April 16, 2015
16) Time: 10:00 AM
17) Courtroom: 3099
18) Honorable Stephen L. Johnson
19)
20)
21)
22)
23)
24)
25)
26)

ORDER VALUING LIEN OF JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

On April 16, 2015, the Court held a hearing on Debtor's motion to value the lien of JPMorgan Chase Bank, National Association against property commonly known as 336 Goss Avenue Santa Cruz, CA 95065, which lien was recorded in Santa Cruz County on or about July 26, 2006 as document number 2006-0043690. (hereinafter the Lien). The legal description of the property is as follows:

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1
2 BEING A PART OF THE LAND CONVEYED TO E. THOMAS BRUCE, ET UX, BY DEED DATED
3 DECEMBER 31, 1927 AND RECORDED JANUARY 30, 1928 IN VOLUME 92, PAGE 379, OFFICIAL
4 RECORDS OF SANTA CRUZ COUNTY AND DESCRIBED AS FOLLOWS:
5

6 BEGINNING ON THE SOUTHERLY LINE OF GOSS AVENUE AT THE NORTHWEST CORNER OF
7 SAID LAND; THENCE LEAVING GOSS AVENUE ALONG THE WESTERLY LINE OF SAID LAND
8 OF BRUCE, SOUTH 3° 00' WEST 104.66 FEET TO THE NORTHWEST CORNER OF LAND
9 CONVEYED TO JOHN SEP NAFSKY, ET UX, BY DEED DATED DECEMBER 13, 1956 AND
10 RECORDED DECEMBER 17, 1956 IN VOLUME 1107, PAGE 320, OFFICIAL RECORDS OF SANTA
11 CRUZ COUNTY; THENCE ALONG THE NORTHERLY LINE OF SAID LAST NAMED LAND AND
12 THE PRODUCTION THEREOF, SOUTH 87° 00' EAST 59.634 FEET TO A POINT; THENCE NORTH
13 3° 00' EAST PARALLEL WITH THE WESTERLY LINE OF SAID LAND OF BRUCE, 109 FEET TO A
14 POINT ON THE SOUTHERLY LINE OF GOSS AVENUE; THENCE SOUTH 89° 13' WEST ALONG
15 THE SOUTHERLY LINE OF GOSS AVENUE 59.65 FEET TO THE POINT OF BEGINNING.
16

17 EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF SANTA CRUZ BY
18 DEED RECORDED JUNE 23, 1971 IN BOOK 2106, PAGE 301.
19

20 All appearances were noted on the record.

21 ~~The court initially denied the motion on 4/21/15. Debtor appealed. Pursuant to the
The court finds that notice of the motion was proper. Upon due consideration, and for the
judgment entered by the BAP reversing and remanding the court's order,
reasons stated on the record at the hearing, the court hereby orders as follows:~~

22 (1) For purposes of Debtor's chapter 13 plan only, the Lien is valued at zero, JPMorgan
23 Chase Bank, National Association, does not have a secured claim, and the Lien may not be enforced,
24 pursuant to 11 U.S.C. Sections 506, 1322(b)(2) and 1327.

25 (2) This order shall become part of the Debtor's confirmed chapter 13 plan.

26 (3) Upon entry of a discharge or completion of plan payments in Debtor's chapter 13 case,
the Lien shall be voided for all purposes, and upon application by Debtor, the court will enter an
appropriate form of judgment voiding the Lien.

27 (4) If Debtor's chapter 13 case is dismissed or converted to one under another chapter before
28 Debtor obtains a discharge or completes plan payments, this order shall cease to be effective and the
Lien shall be retained to the extent recognized by applicable non-bankruptcy law, and upon
application by the lienholder, the court will enter an appropriate form of order restoring the Lien.

29 (5) Except as otherwise provided by separate, subsequent order of this court, the Lien may
not be enforced so long as this order remains in effect.

30 **END OF ORDER**
31

COURT SERVICE LIST

Order Electronically Mailed to ECF Registered Participants